

Danner, Ward

From: Wilson, Patrick
Sent: Monday, February 24, 2014 11:05 AM
To: Jennifer DENICOLA
Subject: RE: <http://www.pcbinschools.org>

Good Morning Ms. DeNicola (Jennifer),

Thanks for your message.

My apologies - you are absolutely correct.

I had one of our engineers find the relevant language in the NCP (National Contingency Plan [CERCLA]) a week ago - but I have yet to circle back & send it your way. I have commitments in the field until mid-week (contaminated industrial harbour with subsistence fish consumption by local residents). Please allow me to return to the office & I will transmit the information your way by mid-week.

Hope you are doing well - talk more soon.

From: Jennifer DENICOLA <jd18@me.com>
Sent: Sunday, February 23, 2014 8:37 AM
To: Wilson, Patrick
Subject: Fwd: <http://www.pcbinschools.org>

Patrick:

I was just looking at this email and realized you never got back to me to explain this. So this is just a reminder. Would you reply by email so I have it for my records when someone brings this up again.

Thank you! Hope you had a wonderful weekend.

Jennifer

Begin forwarded message:

From: Jane Williams <dcapjane@aol.com>
Subject: Re: <http://www.pcbinschools.org>
Date: February 10, 2014 at 9:31:59 AM PST

Dear Malibu United,

Greetings! I am a public health advocate who works on toxic exposure. When I work on school related issues I work with Robina Suwol, the executive director of California Safe Schools. Robin and I have worked on a number of disease clusters and school contamination issues at schools over the past 15 years. I look forward to helping you anyway I can as this heart-wrenching mystery unfolds.

There is no congressionally mandated " acceptable risk " number for any toxic chemical. And in fact, in a lawsuit by NRDC against EPA, the court ruled in favor of EPA that there was no congressional mandated risk level and moreover, that EPA has complete discretion to set any applicable risk threshold's.

I hope this is helpful, and I look forward to helping you in any way possible.

Cordially,

Jane Williams
California Communities Against Toxics
Rosamond, CA
dcapjane@aol.com

-----Original Message-----

From: Hugh <hughbkaufman@comcast.net>

To: Paula Dinerstein <pdinerstein@peer.org>

Cc: Jennifer DENICOLA <jd18@me.com>; Ken Miller <kmiller@gormanmiller.com>; Hope Edelman <hopeedelman@gmail.com>; NiColle Holland <nraber@aol.com>; Cassandra Wiseman <topangafairy@gmail.com>; Cindy Vandor <cindyvandor@gmail.com>; Steve Uhring <steve.uhring@gmail.com>; Katy Lapajne <lrnsmm@yahoo.com>; Stephanie Smith <milagrosfilms@gmail.com>; Cami Winikoff <cami@sobini.com>; Jeff Ruch <jruch@peer.org>; Joy Horowitz <joy.horowitz53@gmail.com>; Len Simonian <simonianl@aol.com>; Lisa Lambert <lisalambert@sbcglobal.net>; Brigitte Leonard <brigitteleonard@gmail.com>; Soniya Perl <soniya.perl@yahoo.com>; <dcapjane@aol.com> <dcapjane@aol.com>; Robina Suwol <robinasuwol@earthlink.net>

Sent: Thu, Feb 6, 2014 5:02 pm

Subject: Re: <http://www.pcbinschools.org>

Well stated Paula!

Sent from my iPhone

On Feb 6, 2014, at 7:39 PM, "Paula Dinerstein" <pdinerstein@peer.org> wrote:

I have attempted to research the legal framework for PCBs, and though I have not finished and may be missing something at this point, I don't see where there is a congressional mandate for EPA's risk range with regard to PCBs. Anyone knowledgeable on this list, please correct anything I am saying here. As I understand it, for PCBs there is no congressionally mandated risk range, because Congress basically decided in TSCA (Toxic Substances Control Act) that no levels of PCBs are acceptable. EPA's regulations provide that that provision of TSCA doesn't apply if there is less than 50 ppm in a product. (not sure how they justified this, but it seems to be accepted as part of the regulatory system). What appears from the Q & A document about PCBs on EPA's website is that EPA has chosen to exercise its enforcement discretion to direct schools to remove or mitigate caulk with PCBs only if air tests are above a certain range. That is, they won't enforce the requirement to remove all PCBs above 50 ppm unless the "acceptable" air levels are exceeded, or something else indicates a severe problem. However, they could direct schools to remove any PCBs over 50 ppm. The problem seems to be that the law does not give them authority to require schools (or anyone) to test existing products to see if

they contain over 50 ppm PCBs. But rather than encouraging schools to do so anyway, they actually discourage it and say it is a more efficient way to protect public health to only test the air, and only take action if it is above certain levels, or if caulk is visibly deteriorating. This is what they have directed at Malibu. It is a sort of "don't ask don't tell" re caulk that might contain over 50 ppm even if the air tests don't exceed their standards and there is no visible deterioration. Whether or not this is good public policy – i.e. to direct the resources of school districts to the really significant problems -- I don't know, but I don't think they are legally required to use any risk level for PCBs. Any item with over 50 ppm PCBs is illegal, period. Using only air testing to determine whether the law on PCBs should be enforced presents various problems, such as how accurate are the air tests, and how accurate are the risk ranges they are using? Also, the risk ranges don't take into account other exposure routes besides inhalation, such as touching or ingesting materials with PCBs. Also PCBs have been found to be endocrine disruptors, and EPA does not yet have any safety standards for those, which can have effects at orders of magnitude lower concentrations than the cancer and non-cancer effects EPA is looking at. Finally, we should never lose sight of the fact that the PCBs in the soil which was tested probably cannot be explained by migration from the caulk, especially since it was found 4 feet underground, so the caulk is one source but likely not the only one for PCBs on campus. To say nothing of testing for toxins other than PCBs. Paula Dinerstein
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From: Jennifer DENICOLA [mailto:jd18@me.com]

Sent: Thursday, February 06, 2014 6:20 PM

To: Ken Miller

Cc: Hugh Kaufman; Hope Edelman; NiColle Holland; Cassandra Wiseman; Paula Dinerstein; Cindy Vandro; Steve Uhring; Paula Dinerstein; Katy Lapajne; Stephanie Smith; Cami Winikoff; Jeff Ruch; Joy Horowitz; Len Simonian; Lisa Lambert; Brigitte Leonard; Soniya Perl

Subject: Re: <http://www.pcbinschools.org>

To take this 1 step further from Ken's great PCB description... The epa has a risk range of 1 in 1 million to 1 in 10,000. This is mandated by congress and the EPA must follow it despite that they stress that their target goal is for risk to be at 1 in 1 million. But if our school do not test outside their range, then the EPA cannot mandate a clean up. BUT WE AS PARENTS and TEACHERS CAN choose a more protective risk management for our children.

Caulk with PCBs has no benefit being in our school, so it needs to be removed. As parents and teachers we have to stand united for high standards of health and demand what we feel is acceptable levels of safety for toxic substances in our environment. This must be our motto. The EPA can not protect us, because congress set this range years ago and that range is unacceptable in 2014 and in our school. Many experts, like Dr. Carpenter and Dr Spaeth, that put children's health and safety first agree that only a 1 in 1 million cancer risk is acceptable. We must fight for this. Choosing to be more protective for our children is OUR choice as a community.

The EPA is bound to it's congressional limitations but that does not dispute that they too feel that the ultimately safe goal is 1 in 1 million. This is our school, our children and we get to decide what acceptable risk.

So knowing the caulk is over 50ppm, tells me all the caulk in building E is over 50ppm. In addition, there maybe other sources that need to be addressed, like the paint that was in 1 and 301.

We have to change the message. We are not waiting for the district to set our rules, we will make them. We will gather the troops, stand united and demand for higher standards. We must decide what we want and then stand united. What we are asking for is sensible and reasonable. Knowing what we are willing to expose

ourselves to and demanding that safety be in our workplace is NORMAL. The health and safety standards currently at MHS is not normal; serious differed maintenance, rats, high levels of dust and dirt, PCBs, no bathroom supplies, no paper towels, no soap, no vacuuming, pesticides used for rats and squirrels... the list goes on (and we need to compile a list). Just because the school has been filthy for so long does not mean it should be. We can make these changes together; make our school better. Together we can do the little things that can make all the difference.

On Feb 5, 2014, at 4:29 PM, Ken Miller <kmiller@gormanmiller.com> wrote:
From the Malibu Parents website:

What is a safe level of exposure to PCB?

Cancer and non-cancer health risks are evaluated separately. Cancer causing chemicals, such as PCB, are not considered to have a threshold below which there is no risk of cancer. Animal studies or human epidemiological studies are used to estimate the relationship between dose and excess cancer risk. Cancer risk can be defined as the excess risk of getting cancer from continuous chronic exposure to a given dose of a chemical. 1×10^{-6} (1 in a million) cancer risk means that if a million people are exposed, one additional cancer case would be expected. The level of cancer risk considered acceptable is politically determined but is often set at one in one million. For example, the California EPA sets the California Human Health Screening Levels of hazardous chemicals in soil using a threshold of an excess lifetime cancer risk of one-in-a-million. Similarly, to determine regional screening levels for residential exposure to toxic chemicals through the air, the EPA uses a "carcinogenic target risk" of one in a million. According to the EPA, to avoid this level of risk from long term exposure to PCB, the threshold for air levels ranges from 120 nanograms per cubic meter for the least toxic form of PCB to sixty-four hundred thousandths of a nanogram per cubic meter for the most toxic form of PCB (PCB - 126). For the most common types of PCB, the EPA residential screening level is about four nanograms per cubic meter. (EPA Regional Screening Levels, November 2013) As to non-cancer health risks, the California EPA has established Reference Exposure Levels for a number of toxic chemicals, which is an airborne level of a chemical that is not anticipated to present a significant risk of any adverse non-cancer health effect.. The Reference Exposure Level for an unspecified mixture of various forms of PCB is four hundredths of a nanogram per cubic meter of air. (Cal EPA Summary Table. October 2013)

If the EPA residential screening level for PCBs is 4.3 nanograms per cubic meter, why does the EPA use a higher

screening level - 450 nanograms per cubic meter – for school air?

The EPA set the air screening levels for schools "at concentrations for which the upper-bound lifetime probability of developing cancer would be one hundred in a million if exposure occurred continued at the concentration for one year." The EPA explained that "the cancer risk level used here (1×10^{-4}) reflects the upper bound of the Agency's traditional acceptable risk range (10^{-4} to 10^{-6})".(See attached at page 5) In other words, the air screening levels for schools are set at the upper bound of acceptable risk (one hundred in a million) while the residential screening levels are set at the lower bound of acceptable risk (one in a million).

From: Jennifer DENICOLA [mailto:jd18@me.com]
Sent: Wednesday, February 05, 2014 4:18 PM
To: Hugh Kaufman

Cc: Hope Edelman; NiColle Holland; Cassandra Wiseman; Robina Suwol; Cindy Vandor; Steve Uhring; Katy Lapajne; Stephanie Smith; Cami Winikoff; Jeff Ruch; Joy Horowitz; Len Simonian; Lisa Lambert; Ken Miller; Brigitte Leonard; Soniya Perl
Subject: Re: <http://www.pcbinschools.org>

Sorry, I missed this email. I spoke to Steve Armann on Monday, Patrick Wilson is out and I am waiting to hear from him. Steve assured me that he would have him call me when he returned. I just sent him a follow up email.

My call with Patrick is to address this draft document and the issues I wrote to him about in early Jan that I shared with all of you. This does contradict the EPA guidelines and I asked that question. This also is based on a 1 in 100,000 cancer risk and not 1 in 1 million as a residential risk should be. It is based on NYC perimeters and not Malibu. It is 5 years old and not on EPA letterhead and not signed by an EPA employee! It also addresses PCBs as possible human carcinogens.. Outdated info!! This all needs to be explained! I will report back as soon as I hear from him. This will help us define what our expert will need to write about.

On Feb 5, 2014, at 12:38 PM, hughbkaufman@comcast.net wrote:

Dear Hope and Everybody,

Earlier this week Dr. Rosenfeld identified a major problem with the EPA Regional Office document that they sent to Jennifer, which they said was the basis of their policy for protecting the students and teachers at Malibu.

Specifically Paul said: "This document is pretty important for it contradicts what the EPA Guidance for Acceptable Levels [of PCBs] in Schools should be."

Paula correctly identified this as a very important issue.

What are the chances of contracting SWAPE (Paul's Firm) to write a short expert technical paper that documents that EPA's approach at Malibu violates their own Guidance for schools?

From: "Hope Edelman" <hopeedelman@gmail.com>
To: "Jennifer DENICOLA" <jd18@me.com>
Cc: "NiColle Holland" <nraber@aol.com>, "Cassandra Wiseman" <topangafairy@gmail.com>,
"Hugh Kaufman" <hughbkaufman@comcast.net>, "Robina Suwol" <pdinerstein@peer.org>, "Cindy

Vandor" <cindyvandor@gmail.com>, "Steve Uhring" <steve.uhring@gmail.com>, "Katy Lapajne" <lrnsmm@yahoo.com>, "Stephanie Smith" <milagrosfilms@gmail.com>, "Cami Winikoff" <cami@sobini.com>, "Jeff Ruch" <jruch@peer.org>, "Joy Horowitz" <joy.horowitz53@gmail.com>, "Len Simonian" <simonianl@aol.com>, "Lisa Lambert" <lisalambert@sbcglobal.net>, "Ken Miller" <kmiller@gormanmiller.com>, "Brigette Leonard" <brigetteleonard@gmail.com>;

Sent: Wednesday, February 5, 2014 11:23:04 AM

Subject: Re: <http://www.pcbinschools.org>OK then! Tuesday, 11 a.m., Feb. 11th at Jen's house.

So far we have Jen, me, Cassandra, Stephanie and NiColle who can make it. Cami and others, can you be there?

Cindy, can you come and share more about what you learned, and what should be done next to supplement your research?

Hugh, we can put you on an iPhone speakerphone or Skype. Paula, same thing if you can make that time.

Jen, my agenda items are:

1. Review Cindy's land research and discuss implications.
2. Discuss next steps and decide whether we want to divide and conquer--meaning, whether it makes sense to assign tasks to different individuals according to interests, experience, and work already done, with deliverable dates to share what more we learn. I know that I've already made contact with some sources and learned that someone from Malibu has already called--we can cover more ground if we don't duplicate efforts and have a central repository for information. Google Docs? This also reduces the volume of personal emails.
3. If it makes sense to everyone else--Create a one-week, one-month, three-month strategy for moving forward. Doesn't have to be set in stone, just a general plan we all agree upon. There may be certain dates by which we need to get things done, but no one should feel that they are taking on more than they can handle.

I'll plan on seeing everyone Tuesday at 11, unless I hear otherwise. Thanks, Jen, for offering to host!

H.

On Wed, Feb 5, 2014 at 7:33 AM, Jennifer DENICOLA <jd18@me.com> wrote:
Sorry, I meant Tuesday, Feb 11th at 11-2 at my house. I know Tuesdays are good for Nicolle. Does that work for everyone?

Thank you Hope for making this happen! We have some good plans to talk about.

Any agenda items to discuss? Please email them to me.

xoxo

Jen

On Feb 5, 2014, at 6:57 AM, Hope Edelman <hopeedelman@gmail.com> wrote:

So far we have Jen, NiColle, and Hope able to meet Thursday at 11 a.m. at Jen's house, 21649 PCH.

Cami and Cassandra, can you make that? Stephanie? Others?

Hugh and Paula, can either of you Skype or speakerphone in at 2 p.m. PST on Thursday?

On Wed, Feb 5, 2014 at 6:47 AM, Jennifer DENICOLA <jd18@me.com> wrote:
Can I suggest 11 am-2 at my house.

Does that work for most?

Jen

Sent from my iPhone

On Feb 4, 2014, at 10:59 PM, Hope Edelman <hopeedelman@gmail.com> wrote:

I can meet either of those days, but Friday only till the kids are done with school.

Cassandra, Cami, Jen and others, please weigh in on your availability on either Tuesday the 11th between 10:30 and 12:30

Tuesday the 11th between 12:30 and 2:30

or Friday the 14th between 10:30 and 12:30.

Cami's house will be easier for those up in Point Dume Area, my Topanga house will be easier for Cassandra and Stephanie--anyone live in the middle? I'm fine anywhere.

Thanks,

Hope

On Tue, Feb 4, 2014 at 10:43 PM, NiColle Holland<nraber@aol.com> wrote:

I can meet next week Tuesday or Friday between 10:30 - 2:30. If that works for anyone else? - Cami's might be easier? Thanks for pulling it together Hope, if this doesn't work for anyone I can be patched in by phone too...

Jennifer and I had met with Penny Newman today. She is AWESOME and a great advocate for our situation. (Thanks Hugh for the GEM!)

We will catch you up on that meeting and more when we meet.

If I was to go to the board meeting on Thursday (but unfortunately can't) - I would advocate for split testing be in the contract with Environ that they are made well aware we will be having oversight, and by adding 1 test go to our source and have onsite/oversight be allowed by our technical consultant separately hired added to the contract is the only way they will gain trust - To also meet with our "oversight committee" and let the parents concerns of what they demand to be tested be included in the contract - before it is signed - soil and air for ALL toxins on both campuses - bottom line needs to be done. I would ask the task force to add more parents that have not sat on BB committee to have balance and demand official minutes from every meeting. This does not match up with their transparency rhetoric. and how they have done the "least as possible - and dragging out testing" make for a "Green District" as they like to boast about.

Here's what I have now...

1 recently retired teacher from cabrillo recently diagnosed with thyroid cancer

3 teachers MHS thyroid cancer

2 ? treated for thyroid disease

1 bladder cancer (Ms. Lyons stated to the audience in the auditorium the teacher told her it was because she was a smoker and blamed it on that)

1 newborn has brain tumors (3 years old now?)- teacher was pregnant and working on campus (both parents teachers at MHS recently took a leave of absence to oversee their child's care and relapse)

3 MHS graduates in their 20's have / had thyroid cancer

1 MHS graduate in 20's suffers from non-hodgkins lymphoma

Several complaints of migraines from students and teachers, extreme fatigue (students), rashes, hair loss

there are "rumors" a few teachers at Juan Cabrillo have / had breast cancer.

I know there is no way to prove a cancer cluster, but this list is too long to just be ignored. If there is something missing or anything you see not to be true in this list please let me/us know.

Thanks,

NiColle-----Original Message-----

From: Hope Edelman <hopeedelman@gmail.com>

To: Cassandra Wiseman <topangafairy@gmail.com>

Cc: hugh kaufman <hughbkaufman@comcast.net>; Paula Dinerstein <pdinerstein@peer.org>;
Cindy Vandor <cindyvandor@gmail.com>; Steve Uhring <steve.uhring@gmail.com>; Katy Lapajne
<lrnsmm@yahoo.com>; Stephanie Smith <milagrosfilms@gmail.com>; Cami Winikoff
<cami@sobini.com>; Jeff Ruch <jruch@peer.org>; Joy Horowitz
<joy.horowitz53@gmail.com>; Len Simonian <simonianl@aol.com>; Lisa Lambert
<lisalambert@sbcglobal.net>; NiColle Holland <nhaber@aol.com>; ken miller
<kmiller@gormanmiller.com>; Jennifer DENICOLA <jd18@me.com>; Brigitte Leonard
<brigetteleonard@gmail.com>

Sent: Tue, Feb 4, 2014 2:04 pm

Subject: Re: <http://www.pcbinschools.org>Excellent. What about the rest of you? NiColle? Cindy? Stephanie? My thinking is that if we organize we can create a task list, divide it up, and report back into a central repository of info We have journalists, filmmakers, educators, attorneys--a talented and formidable group committed to getting the answers we need. For starters, maybe we can help find documentation to back up the info Cindy got from her interviews.

Please excuse typos, sent from my iPhone

On Feb 4, 2014, at 1:58 PM, Cassandra Wiseman <topangafairy@gmail.com> wrote:
Me too!

On Tue, Feb 4, 2014 at 10:33 AM,<hughbkaufman@comcast.net> wrote:
I'll play

From: "Hope Edelman" <hopeedelman@gmail.com>;

To: hughbkaufman@comcast.net

Cc: "Paula Dinerstein" <pdinerstein@peer.org>; "Cindy Vandor" <cindyvandor@gmail.com>; "Steve Uhring" <steve.uhring@gmail.com>; "Katy Lapajne" <lrnsmm@yahoo.com>; "Stephanie Smith" <milagrosfilms@gmail.com>; "Cami Winikoff" <camisobini.com>; "Jeff Ruch" <jruch@peer.org>; "Joy Horowitz" <joy.horowitz53@gmail.com>; "Cassandra Wiseman" <topangafairy@gmail.com>; "Len Simonian" <simonianl@aol.com>; "Lisa Lambert" <lisalambert@sbcglobal.net>; "NiColle Holland" <nraber@aol.com>; "ken miller" <kmiller@gormanmiller.com>; "Jennifer DENICOLA" <jd18@me.com>; "Brigette Leonard" <bridgetteleonard@gmail.com>

Sent: Tuesday, February 4, 2014 12:42:22 PM

Subject: Re: <http://www.pcbinschools.org>

Guys, I have a vast amount of research -already done about schools being built on top of former military land for a prior project I worked on. I think it's time we try to meet in person and pool all of our many resources. The sum will be much stronger than all our parts. I volunteer my house in Topanga unless someone else would rather host. Maybe we can patch in Paula and Hugh by phone? Who's in?

Please excuse typos, sent from my iPhone

On Feb 4, 2014, at 9:13 AM,<hughbkaufman@comcast.net> wrote:
FYI

"high levels of toxic polychlorinated biphenyls in mongooses found near two U.S. military bases"

<http://www.japantimes.co.jp/news/2013/08/19/national/mongooses-near-u-s-bases-have-high-pcb-levels/#.UvEfDanhB68>

From: "Paula Dinerstein" <pdinerstein@peer.org>;

To: "Jennifer DENICOLA" <jd18@me.com>; "Brigette Leonard" <bridgetteleonard@gmail.com>;

Cc: "Cindy Vandor" <cindyvandor@gmail.com>; "Hugh Kaufman" <hughbkaufman@comcast.net>;

"Steve Uhring" <steve.uhring@gmail.com>, "Katy Lapajne" <lrnsmm@yahoo.com>, "Stephanie Smith" <milagrosfilms@gmail.com>, "Hope Edelman" <hopeedelman@gmail.com>, "Cami Winikoff" <cami@sobini.com>, "Jeff Ruch" <jruch@peer.org>, "Joy Horowitz" <joy.horowitz53@gmail.com>, "Cassandra Wiseman" <topangafairy@gmail.com>, "Len Simonian" <simonianl@aol.com>, "Lisa Lambert" <lisalambert@sbcglobal.net>, "NiColle Holland" <nraber@aol.com>, "ken miller" <kmiller@gormanmiller.com>
Sent: Tuesday, February 4, 2014 11:47:07 AM
Subject: RE:http://www.pcbinschools.org

Looking at the site, in light of the land being used by the Army, this is interesting:

1927 --- PCBs were first manufactured commercially by the Anniston Ordnance Company, in Anniston, Alabama. [4] The Anniston Plant's legacy began in 1915 when Theodore Swann founded the company to manufacture six-inch explosive shell cases for the U.S. Army.

Paula Dinerstein
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-----Original Message-----

From: Jennifer DENICOLA [mailto:jd18@me.com]
Sent: Tuesday, February 04, 2014 1:26 AM
To: Brigitte Leonard
Cc: Cindy Vandor; Hugh Kaufman; Steve Uhring; Katy Lapajne; Stephanie Smith; Paula Dinerstein; Hope Edelman; Cami Winikoff; Jeff Ruch; Joy Horowitz; Cassandra Wiseman; Len Simonian; Lisa Lambert; NiColle Holland; ken miller
Subject:http://www.pcbinschools.org

Has anyone looked at this site...

